

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  v.  JEFFREY J. GRIMES,  Defendant.	5:11-CR-50029-KES  ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL AND A HEARING
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Defendant, Jeffrey J. Grimes, filed a *pro se* motion (Docket 196) seeking the appointment of counsel to assist him with his motion for a sentence reduction under 18 U.S.C. § 3582(c) (Docket 190). Grimes also requests a hearing to address the issues posed by his motion for a sentence reduction. Docket 196 at 2. The court has already denied Grimes's motion for a sentence reduction and thus Grimes's motion for appointment of counsel and a hearing is moot.

Grimes's motion for counsel also fails because there is no statutory or "Sixth Amendment right to 'counsel in sentence modification proceedings under § 3582(c).'" *United States v. Meeks*, 971 F.3d 830, 833 (8th Cir. 2020) (quoting *United States v. Harris*, 568 F.3d 666, 669 (8th Cir. 2009)). A hearing was also not required to resolve the issues presented by Grimes's motion. After reviewing Grimes's submission at Docket 196, the court still denies Grimes's motion for a sentence reduction for the same reasons explained in the court's order at Docket 197. Thus, it is

ORDERED that the defendant's motion for appointment of counsel and a hearing (Docket 196) is denied.

Dated April 16, 2024

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE